

**AMENDMENT TO RULES COMM. PRINT 116-57**

**OFFERED BY MR. DEUTCH OF FLORIDA**

Add at the end of title XII the following:

**1 Subtitle H—United States Nation-**  
**2 als Unlawfully or Wrongfully**  
**3 Detained Abroad**

**4 SEC. 1281. ASSISTANCE FOR UNITED STATES NATIONALS**  
**5 UNLAWFULLY OR WRONGFULLY DETAINED**  
**6 ABROAD.**

**7** (a) REVIEW.—The Secretary of State shall review the  
**8** cases of United States nationals detained abroad to deter-  
**9** mine if there is credible information that they are being  
**10** detained unlawfully or wrongfully, based on criteria which  
**11** may include whether—

**12** (1) United States officials receive or possess  
**13** credible information indicating innocence of the de-  
**14** tained individual;

**15** (2) the individual is being detained solely or  
**16** substantially because he or she is a United States  
**17** national;

**18** (3) the individual is being detained solely or  
**19** substantially to influence United States Government

1 policy or to secure economic or political concessions  
2 from the United States Government;

3 (4) the detention appears to be because the in-  
4 dividual sought to obtain, exercise, defend, or pro-  
5 mote freedom of the press, freedom of religion, or  
6 the right to peacefully assemble;

7 (5) the individual is being detained in violation  
8 of the laws of the detaining country;

9 (6) independent nongovernmental organizations  
10 or journalists have raised legitimate questions about  
11 the innocence of the detained individual;

12 (7) the United States mission in the country  
13 where the individual is being detained has received  
14 credible reports that the detention is a pretext for an  
15 illegitimate purpose;

16 (8) the individual is detained in a country  
17 where the Department of State has determined in its  
18 annual human rights reports that the judicial system  
19 is not independent or impartial, is susceptible to cor-  
20 ruption, or is incapable of rendering just verdicts;

21 (9) the individual is being detained in inhumane  
22 conditions;

23 (10) due process of law has been sufficiently  
24 impaired so as to render the detention arbitrary; and

1           (11) United States diplomatic engagement is  
2           likely necessary to secure the release of the detained  
3           individual.

4           (b) REFERRALS TO THE SPECIAL ENVOY.—Upon a  
5           determination by the Secretary of State, based on the to-  
6           tality of the circumstances, that there is credible informa-  
7           tion that the detention of a United States national abroad  
8           is unlawful or wrongful, and regardless of whether the de-  
9           tention is by a foreign government or a nongovernmental  
10          actor, the Secretary shall transfer responsibility for such  
11          case from the Bureau of Consular Affairs of the Depart-  
12          ment of State to the Special Envoy for Hostage Affairs  
13          created pursuant to section 1282.

14          (c) REPORT.—

15               (1) ANNUAL REPORT.—

16                   (A) IN GENERAL.—The Secretary of State  
17                   shall submit to the appropriate congressional  
18                   committees an annual report with respect to  
19                   United States nationals for whom the Secretary  
20                   determines there is credible information of un-  
21                   lawful or wrongful detention abroad.

22                   (B) FORM.—The report required under  
23                   this paragraph shall be submitted in unclassi-  
24                   fied form, but may include a classified annex if  
25                   necessary.

1           (2) COMPOSITION.—The report required under  
2       paragraph (1) shall include current estimates of the  
3       number of individuals so detained, as well as rel-  
4       evant information about particular cases, such as—

5           (A) the name of the individual, unless the  
6       provision of such information is inconsistent  
7       with section 552a of title 5, United States Code  
8       (commonly known as the “Privacy Act of  
9       1974”);

10          (B) basic facts about the case;

11          (C) a summary of the information that  
12       such individual may be detained unlawfully or  
13       wrongfully;

14          (D) a description of specific efforts, legal  
15       and diplomatic, taken on behalf of the indi-  
16       vidual since the last reporting period, including  
17       a description of accomplishments and setbacks;  
18       and

19          (E) a description of intended next steps.

20       (d) RESOURCE GUIDANCE.—

21           (1) ESTABLISHMENT.—Not later than 180 days  
22       after the date of the enactment of this Act and after  
23       consulting with relevant organizations that advocate  
24       on behalf of United States nationals detained abroad  
25       and the Family Engagement Coordinator established

1       pursuant to section 1283(c)(2), the Secretary of  
2       State shall provide resource guidance in writing for  
3       government officials and families of unjustly or  
4       wrongfully detained individuals.

5           (2) CONTENT.—The resource guidance required  
6       under paragraph (1) should include—

7           (A) information to help families under-  
8       stand United States policy concerning the re-  
9       lease of United States nationals unlawfully or  
10      wrongfully held abroad;

11          (B) contact information for officials in the  
12      Department of State or other government agen-  
13      cies suited to answer family questions;

14          (C) relevant information about options  
15      available to help families obtain the release of  
16      unjustly or wrongfully detained individuals,  
17      such as guidance on how families may engage  
18      with United States diplomatic and consular  
19      channels to ensure prompt and regular access  
20      for the detained individual to legal counsel,  
21      family members, humane treatment, and other  
22      services;

23          (D) guidance on submitting public or pri-  
24      vate letters from members of Congress or other

1 individuals who may be influential in securing  
2 the release of an individual; and

3 (E) appropriate points of contacts, such as  
4 legal resources and counseling services, who  
5 have a record of assisting victims' families.

6 **SEC. 1282. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.**

7 (a) ESTABLISHMENT.—There is within the office of  
8 the Secretary of State a Special Presidential Envoy for  
9 Hostage Affairs.

10 (b) RESPONSIBILITIES.—The Special Presidential  
11 Envoy for Hostage Affairs, under the supervision of the  
12 Secretary of State, shall—

13 (1) lead diplomatic engagement on United  
14 States hostage policy;

15 (2) coordinate all diplomatic engagements in  
16 support of hostage recovery efforts, in coordination  
17 with the Hostage Recovery Fusion Cell and con-  
18 sistent with policy guidance communicated through  
19 the Hostage Response Group;

20 (3) coordinate with the Hostage Recovery Fu-  
21 sion Cell proposals for diplomatic engagements and  
22 strategy in support of hostage recovery efforts;

23 (4) provide senior representation from the Spe-  
24 cial Envoy's office to the Hostage Recovery Fusion

1 Cell established under section 1283 and the Hostage  
2 Response Group established under section 1284; and  
3 (5) in coordination with the Hostage Recovery  
4 Fusion Cell as appropriate, coordinate diplomatic  
5 engagements regarding cases in which a foreign gov-  
6 ernment confirms that it has detained a United  
7 States national but the United States Government  
8 regards such detention as unlawful or wrongful.

9 **SEC. 1283. HOSTAGE RECOVERY FUSION CELL.**

10 (a) ESTABLISHMENT.—The President shall establish  
11 an interagency Hostage Recovery Fusion Cell.

12 (b) PARTICIPATION.—The President shall direct the  
13 heads of each of the following executive departments,  
14 agencies, and offices to make available personnel to par-  
15 ticipate in the Hostage Recovery Fusion Cell:

16 (1) The Department of State.

17 (2) The Department of the Treasury.

18 (3) The Department of Defense.

19 (4) The Department of Justice.

20 (5) The Office of the Director of National Intel-  
21 ligence.

22 (6) The Federal Bureau of Investigation.

23 (7) The Central Intelligence Agency.

24 (8) Other agencies as the President, from time  
25 to time, may designate.

1 (c) PERSONNEL.—The Hostage Recovery Fusion Cell  
2 shall include—

3 (1) a Director, who shall be a full-time senior  
4 officer or employee of the United States Govern-  
5 ment;

6 (2) a Family Engagement Coordinator who  
7 shall—

8 (A) work to ensure that all interactions by  
9 executive branch officials with a hostage's fam-  
10 ily occur in a coordinated fashion and that the  
11 family receives consistent and accurate informa-  
12 tion from the United States Government; and

13 (B) if directed, perform the same function  
14 as set out in subparagraph (A) with regard to  
15 the family of a United States national who is  
16 unlawfully or wrongfully detained abroad; and

17 (3) other officers and employees as deemed ap-  
18 propriate by the President.

19 (d) DUTIES.—The Hostage Recovery Fusion Cell  
20 shall—

21 (1) coordinate efforts by participating agencies  
22 to ensure that all relevant information, expertise,  
23 and resources are brought to bear to secure the safe  
24 recovery of United States nationals held hostage  
25 abroad;

1           (2) if directed, coordinate the United States  
2       Government's response to other hostage-takings oc-  
3       curring abroad in which the United States has a na-  
4       tional interest;

5           (3) if directed, coordinate or assist the United  
6       States Government's response to help secure the re-  
7       lease of United States nationals unlawfully or  
8       wrongfully detained abroad; and

9           (4) pursuant to policy guidance coordinated  
10      through the National Security Council—

11           (A) identify and recommend hostage recov-  
12      ery options and strategies to the President  
13      through the National Security Council or the  
14      Deputies Committee of the National Security  
15      Council;

16           (B) coordinate efforts by participating  
17      agencies to ensure that information regarding  
18      hostage events, including potential recovery op-  
19      tions and engagements with families and exter-  
20      nal actors (including foreign governments), is  
21      appropriately shared within the United States  
22      Government to facilitate a coordinated response  
23      to a hostage-taking;

24           (C) assess and track all hostage-takings of  
25      United States nationals abroad and provide reg-

1            ular reports to the President and Congress on  
2            the status of such cases and any measures  
3            being taken toward the hostages' safe recovery;

4            (D) provide a forum for intelligence shar-  
5            ing and, with the support of the Director of Na-  
6            tional Intelligence, coordinate the declassifica-  
7            tion of relevant information;

8            (E) coordinate efforts by participating  
9            agencies to provide appropriate support and as-  
10          sistance to hostages and their families in a co-  
11          ordinated and consistent manner and to provide  
12          families with timely information regarding sig-  
13          nificant events in their cases;

14          (F) make recommendations to agencies in  
15          order to reduce the likelihood of United States  
16          nationals' being taken hostage abroad and en-  
17          hance United States Government preparation to  
18          maximize the probability of a favorable outcome  
19          following a hostage-taking; and

20          (G) coordinate with agencies regarding  
21          congressional, media, and other public inquiries  
22          pertaining to hostage events.

23          (e) ADMINISTRATION.—The Hostage Recovery Fu-  
24          sion Cell shall be located within the Federal Bureau of  
25          Investigation for administrative purposes.

1   **SEC. 1284. HOSTAGE RESPONSE GROUP.**

2           (a) ESTABLISHMENT.—The President shall establish  
3   a Hostage Response Group, chaired by a designated mem-  
4   ber of the National Security Council or the Deputies Com-  
5   mittee of the National Security Council, to be convened  
6   on a regular basis, to further the safe recovery of United  
7   States nationals held hostage abroad or unlawfully or  
8   wrongfully detained abroad, and to be tasked with coordi-  
9   nating the United States Government response to other  
10   hostage-takings occurring abroad in which the United  
11   States has a national interest.

12          (b) MEMBERSHIP.—The regular members of the Hos-  
13   tage Response Group shall include the Director of the  
14   Hostage Recovery Fusion Cell, the Hostage Recovery Fu-  
15   sion Cell's Family Engagement Coordinator, the Special  
16   Envoy appointed pursuant to section 1282, and represent-  
17   atives from the Department of the Treasury, the Depart-  
18   ment of Defense, the Department of Justice, the Federal  
19   Bureau of Investigation, the Office of the Director of Na-  
20   tional Intelligence, the Central Intelligence Agency, and  
21   other agencies as the President, from time to time, may  
22   designate.

23          (c) DUTIES.—The Hostage Recovery Group shall—  
24                (1) identify and recommend hostage recovery  
25                options and strategies to the President through the  
26                National Security Council;

1           (2) coordinate the development and implemen-  
2           tation of United States hostage recovery policies,  
3           strategies, and procedures;

4           (3) receive regular updates from the Hostage  
5           Recovery Fusion Cell and the Special Envoy for  
6           Hostage Affairs on the status of United States na-  
7           tionals being held hostage or unlawfully or wrong-  
8           fully detained abroad and measures being taken to  
9           effect safe recoveries;

10          (4) coordinate the provision of policy guidance  
11          to the Hostage Recovery Fusion Cell, including re-  
12          viewing recovery options proposed by the Hostage  
13          Recovery Fusion Cell and working to resolve dis-  
14          putes within the Hostage Recovery Fusion Cell;

15          (5) as appropriate, direct the use of resources  
16          at the Hostage Recovery Fusion Cell to coordinate  
17          or assist in the safe recovery of United States na-  
18          tionals unlawfully or wrongfully detained abroad;  
19          and

20          (6) as appropriate, direct the use of resources  
21          at the Hostage Recovery Fusion Cell to coordinate  
22          the United States Government response to other  
23          hostage-takings occurring abroad in which the  
24          United States has a national interest.

1 (d) MEETINGS.—The Hostage Response Group shall  
2 meet regularly.

3 (e) REPORTING.—The Hostage Response Group shall  
4 regularly provide recommendations on hostage recovery  
5 options and strategies to the National Security Council.

6 **SEC. 1285. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

7 (a) IN GENERAL.—The President may impose the  
8 sanctions described in subsection (b) with respect to any  
9 foreign person the President determines, based on credible  
10 evidence—

11 (1) is responsible for or is complicit in, or re-  
12 sponsible for ordering, controlling, or otherwise di-  
13 recting, the hostage-taking of a United States na-  
14 tional abroad or the unlawful or wrongful detention  
15 of a United States national abroad; or

16 (2) knowingly provides financial, material, or  
17 technological support for, or goods or services in  
18 support of, an activity described in paragraph (1).

19 (b) SANCTIONS DESCRIBED.—The sanctions de-  
20 scribed in this subsection are the following:

21 (1) INELIGIBILITY FOR VISAS, ADMISSION, OR  
22 PAROLE.—

23 (A) VISAS, ADMISSION, OR PAROLE.—An  
24 alien described in subsection (a) may be—

25 (i) inadmissible to the United States;

1 (ii) ineligible to receive a visa or other  
2 documentation to enter the United States;  
3 and

4 (iii) otherwise ineligible to be admitted  
5 or paroled into the United States or to re-  
6 ceive any other benefit under the Immigra-  
7 tion and Nationality Act (8 U.S.C. 1101 et  
8 seq.).

9 (B) CURRENT VISAS REVOKED.—

10 (i) IN GENERAL.—An alien described  
11 in subsection (a) may be subject to revoca-  
12 tion of any visa or other entry documenta-  
13 tion regardless of when the visa or other  
14 entry documentation is or was issued.

15 (ii) IMMEDIATE EFFECT.—A revoca-  
16 tion under clause (i) may—

17 (I) take effect immediately; and

18 (II) cancel any other valid visa or  
19 entry documentation that is in the  
20 alien's possession.

21 (2) BLOCKING OF PROPERTY.—

22 (A) IN GENERAL.—The President may ex-  
23 ercise all of the powers granted to the President  
24 under the International Emergency Economic  
25 Powers Act (50 U.S.C. 1701 et seq.), to the ex-

1           tent necessary to block and prohibit all trans-  
2           actions in property and interests in property of  
3           a foreign person described in subsection (a) if  
4           such property and interests in property are in  
5           the United States, come within the United  
6           States, or are or come within the possession or  
7           control of a United States person.

8                   (B) INAPPLICABILITY OF NATIONAL EMER-  
9           GENCY REQUIREMENT.—The requirements of  
10          section 202 of the International Emergency  
11          Economic Powers Act (50 U.S.C. 1701) shall  
12          not apply for purposes of this section.

13       (c) EXCEPTIONS.—

14               (1) EXCEPTION FOR INTELLIGENCE ACTIVI-  
15       TIES.—Sanctions under this section shall not apply  
16       to any activity subject to the reporting requirements  
17       under title V of the National Security Act of 1947  
18       (50 U.S.C. 3091 et seq.) or any authorized intel-  
19       ligence activities of the United States.

20               (2) EXCEPTION TO COMPLY WITH INTER-  
21       NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-  
22       MENT ACTIVITIES.—Sanctions under subsection  
23       (b)(1) shall not apply with respect to an alien if ad-  
24       mitting or paroling the alien into the United States  
25       is necessary—

1 (A) to permit the United States to comply  
2 with the Agreement regarding the Head-  
3 quarters of the United Nations, signed at Lake  
4 Success June 26, 1947, and entered into force  
5 November 21, 1947, between the United Na-  
6 tions and the United States, or other applicable  
7 international obligations; or

8 (B) to carry out or assist law enforcement  
9 activity in the United States.

10 (d) PENALTIES.—A person that violates, attempts to  
11 violate, conspires to violate, or causes a violation of sub-  
12 section (b)(2) or any regulation, license, or order issued  
13 to carry out that subsection shall be subject to the pen-  
14 alties set forth in subsections (b) and (c) of section 206  
15 of the International Emergency Economic Powers Act (50  
16 U.S.C. 1705) to the same extent as a person that commits  
17 an unlawful act described in subsection (a) of that section.

18 (e) TERMINATION OF SANCTIONS.—The President  
19 may terminate the application of sanctions under this sec-  
20 tion with respect to a person if the President determines  
21 that—

22 (1) information exists that the person did not  
23 engage in the activity for which sanctions were im-  
24 posed;

1           (2) the person has been prosecuted appro-  
2           priately for the activity for which sanctions were im-  
3           posed;

4           (3) the person has credibly demonstrated a sig-  
5           nificant change in behavior, has paid an appropriate  
6           consequence for the activity for which sanctions were  
7           imposed, and has credibly committed to not engage  
8           in an activity described in subsection (a) in the fu-  
9           ture; or

10          (4) the termination of the sanctions is in the  
11          national security interests of the United States.

12          (f) REPORTING REQUIREMENT.—If the President  
13          terminates sanctions pursuant to subsection (d), the Presi-  
14          dent shall report to the appropriate congressional commit-  
15          tees a written justification for such termination within 15  
16          days.

17          (g) IMPLEMENTATION OF REGULATORY AUTHOR-  
18          ITY.—The President may exercise all authorities provided  
19          under sections 203 and 205 of the International Emer-  
20          gency Economic Powers Act (50 U.S.C. 1702 and 1704)  
21          to carry out this section.

22          (h) EXCEPTION RELATING TO IMPORTATION OF  
23          GOODS.—

24                 (1) IN GENERAL.—The authorities and require-  
25          ments to impose sanctions authorized under this sec-

1       tion shall not include the authority or a requirement  
2       to impose sanctions on the importation of goods.

3           (2) GOOD DEFINED.—In this subsection, the  
4       term “good” means any article, natural or manmade  
5       substance, material, supply or manufactured prod-  
6       uct, including inspection and test equipment, and ex-  
7       cluding technical data.

8       (i) DEFINITIONS.—In this section:

9           (1) FOREIGN PERSON.—The term “foreign per-  
10      son” means—

11           (A) any citizen or national of a foreign  
12           country (including any such individual who is  
13           also a citizen or national of the United States);  
14           or

15           (B) any entity not organized solely under  
16           the laws of the United States or existing solely  
17           in the United States.

18           (2) UNITED STATES PERSON.—The term  
19      “United States person” means—

20           (A) an individual who is a United States  
21           citizen or an alien lawfully admitted for perma-  
22           nent residence to the United States;

23           (B) an entity organized under the laws of  
24           the United States or any jurisdiction within the

1 United States, including a foreign branch of  
2 such an entity; or

3 (C) any person in the United States.

4 **SEC. 1286. DEFINITIONS.**

5 In this subtitle:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
7 TEES.—The term “appropriate congressional com-  
8 mittees” means—

9 (A) the Committee on Foreign Relations,  
10 the Committee on Appropriations, the Com-  
11 mittee on Banking, Housing, and Urban Af-  
12 fairs, the Committee on the Judiciary, the Com-  
13 mittee on Armed Services, and the Select Com-  
14 mittee on Intelligence of the United States Sen-  
15 ate; and

16 (B) the Committee on Foreign Affairs, the  
17 Committee on Appropriations, the Committee  
18 on Financial Services, the Committee on the  
19 Judiciary, the Committee on Armed Services,  
20 and the Permanent Select Committee on Intel-  
21 ligence of the House of Representatives.

22 (2) UNITED STATES NATIONAL.—The term  
23 “United States national” means—

24 (A) a United States national as defined in  
25 section 101(a)(22) or section 308 of the Immi-

1           gration and Nationality Act (8 U.S.C.  
2           1101(a)(22), 8 U.S.C. 1408); and  
3           (B) a lawful permanent resident alien with  
4           significant ties to the United States.

5 **SEC. 1287. RULE OF CONSTRUCTION.**

6       Nothing in this subtitle may be construed to author-  
7       ize a private right of action.

